

The Salisbury Planning Board held its regular meeting on Tuesday, November 26, 2002, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m., with the following being present and absent:

PRESENT: Lou Manning, Rodney Queen, Len Clark, Jerry Wilkes, Sean Reid, Fred Dula, Ken Mowery, Sandy Reitz, Elaine Stiller, Eldridge Williams, Brian Miller, Jeff Smith

ABSENT: 0

STAFF: Harold Poole, Patrick Kennerly, Dan Mikkelson, Tammy File

The meeting was called to order by Chairman Dula. The minutes of November 12, 2002, were approved as published.

### **ZONING MAP AMENDMENTS**

Z-21-02 Burgess & Associates, Inc., 2000 block of Faith Road

Location: 2000 block of Faith Road  
Size: Approximately 69.148  
Existing Zoning: A-1 (Agricultural District)  
Proposed Zoning: RD-B (Residential Development "B" District)

(a) Chairman Dula convened a courtesy hearing on Z-21-02.

Planner Patrick Kennerly explained that the area proposed for rezoning consists of one large tract of land approximately 69 acres in size, located along the west side of the 2000 block of Faith Road. The property has about 700 feet along Faith Road, but extends for more than ½ mile from the road toward Old Concord Road. The property currently lies outside the city limits, between Barringer Road and Heilig Road. Although the property is outside the city limits and is in the ETJ (extraterritorial jurisdiction area), it is only 200 feet south of the final phase of Oakview Commons, which is now in the city limits.

Those speaking in favor of the zoning change request:

[Jay Dees, an attorney representing the property owners wishing to sell the property, asked that Rodney Queen remove himself from the Board in the deliberation of this matter. Rodney has a prior interest in the property, but so far as staff can determine, he doesn't appear to have a "conflict of interest", which covers only direct financial involvement or involvement of his immediate family. After Jay Dees' comments, Rodney asked to be removed from the Board, and the Board voted on it. Rodney sat in the audience during the proceedings.]

Jim Burgess, 125 Stone Ridge, Developer and Applicant for the property – there's a need for elderly housing. Patio homes for the elderly is what he would like to build on this property.

Gary Kepley, 2445 Centenary Road, Mt. Ulla, - property belongs to his parents who are elderly. Mr. Kepley's parents had been discussing what to do with the property and have visited

a similar-type community in Mooresville area, he thinks this would be a wonderful idea for his parents property.

Donna Rimmer, 222 Mocksville Ave., Broker/Owner of Carolina Piedmont Properties- looked for two years for property to do this type of community for seniors. This property would be close to Salisbury and in a country style setting that they want.

Garner Kepley, 1990 Faith Road, -Owner, has lived on this property for 57 years. Mr. Kepley thinks it is a wonderful neighborhood and likes Mr. Burgess' plans for a retirement community.

Gail Kepley, 2445 Centenary Road, Mt. Ulla, - (daughter-in-law) This type of community would be different than a nursing home, it allows for an active life.

Those speaking in opposition to the zoning change request:

Larry Parrish, 1760 Faith Road, - (former Planning Board member about 20 years ago) Mr. Parrish did not want to speak in either support or in opposition. Originally, his grandfather owned this property. Concerned about the Faith Road traffic situation, and the fact the land is located between two dangerous curves. Mr. Parrish suggests a Planning Board committee discuss this further.

Mary Fisher Henley, 1060 Barringer St., - asks about the access to property. Mrs. Henley asked if the sewer line would be an attachment from the Crane Creek line. City Engineer, Dan Mikkelson responds that there can be. Will there be a Site Plan review? Yes, there will be a Site Plan review with notifications going out to the same people who received zoning notifications.

Gary Odrosky, 2065 Faith Road,- lives directly across the street from the property, wants to know plans for hooking onto water and sewer if that will affect his property. States this is a very dangerous section of Faith Road. Wants to know if the property would be annexed and if it would affect his property.

Blaine Clay, 1880 Faith Road, - likes idea of adult complex, wants to know if it will cover the whole 69 acres, wants to know if there will be apartments. Mr. Clay does not want a trailer park in the area.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean Reid- this is a "natural growth area" of the city, you are eliminating a lot of "vices" that are in A-1 so no matter what is put there you know you are not getting mobile homes. Mr. Reid thinks most of the questions the neighbors are asking will come up in Site plan review.

Fred Dula- asks Dan Mikkelson about the status of Faith Road and all the traffic going out there. Dan responds that Faith Road is a major thoroughfare, designed to carry large amount of traffic, owned and maintained by the Department of Transportation. Dan said that the city is tempting to do in our long term planning is to promote development that has occurred over the last couple of generations.

Ken Mowery- not knowing exactly what's planned to go there, a chicken or the egg thing, the developer can really proceed with his plan until he knows he can get the zoning that he needs to develop it. We are going to have to take it on faith that the developer will put in what he says he will since that will help him get the property rezoned. This is introducing a new zoning classification to this area it will be a major impact to this area no matter what it becomes.

Ken said classification to this area will be a major impact to this area no matter what it becomes. Ken feels that the Planning Board can make a decision of that magnitude in the short time we have had, he made the motion that this be taken to committee.

Jeff Smith – site plan review is important, RD –B gives greater flexibility to the developer and open space.

Brian Miller- A-1 is more offensive than RD-B. More time needs to be spent on this request for rezoning.

Sandy Reitz- She thinks this should be discussed by a committee and wants to look at the environmental impact on nearby farmland.

Eldridge Williams- asks if this could be considered age discrimination, with its applicant stating that residents within the proposed retirement community would be aged 55 and over.

Planning Board decided, on a 9-2 vote (R.Queen still in the audience) that this case be sent to a committee. The two opposing votes appeared ready to go ahead and make a recommendation.

Committee 3, composed of Ken Mowery, Brian Miller and Len Clark scheduled the meeting for Wednesday, December 4, at 4:00 p.m., in the 1<sup>st</sup> Bank boardroom (on the 2<sup>nd</sup> floor).

### **State Development Zone Re-Designation for FY 2003-2004**

Planner Patrick Kennerly made a presentation for Planning Board about the new designation for state development zones, as a result of the 2000 Census. Rowan County feels that this can be helpful to them in further developing Summit Corporate Circle off Julian Road, as well as other sites. Patrick explained the financial incentives involved in attracting new jobs and how the program may work.

### **Joint Committee on signs for special events or promotions**

Rodney Queen, a member of the committee gave a report on what the joint committee is considering. The committee has been focusing on two types of signs for special events or promotions- banners and balloons. There would be basic requirements such as maximum number of times per year. Some special requirements for the banners or balloons, such as placement, size height, etc.

Rodney reported that the committee has already had three meetings and their next scheduled meeting is Wednesday, December 4 at 3:30 in City Hall. Planning Board members and the general public area welcome to attend these meetings.

Sr. Planner Harold Poole explained the process in that the recommendation from the joint committee will go directly to City Council. If council sees merit in any of the proposals, then those proposals will be sent to Planning Board for further study and recommendation. It would be up to Council if the recommendations are also passed along to the Community Appearance Commission for a recommendation by that Board. State law, does require a Planning Board recommendation prior to City Council making a decision on any zoning text amendment.

### **Salisbury 2020 Plan Implementation Committee- Initial Meeting**

Sr. Planner Harold Poole explained the initial meeting of the Salisbury 2020 Plan Implementation Committee to the Planning Board, as well as the Resolution approved by City Council this past March which created the committee. Harold showed the Planning Board a 10 page spreadsheet which showed (1) categories, policies, and recommendations, (2) strategies, and (3) priorities, responsible parties, and comments. The committee is made up of ten members which includes Planning Board member Eldridge Williams. Chairman of the committee is Mark Lewis who was recognized in the audience.

### **Quasi-Judicial Type Hearings to be Necessary for Certain Matters**

Sr. Planner Harold Poole explained to the Board that there have been court cases that will require more quasi-judicial type hearings in which “witnesses” (including staff) are sworn in, there is taking of evidence, and findings of fact as a part of the Board’s decision. For the Planning Board this will involve (1) approval of preliminary plat subdivisions and (2) approval of “modifications of standards” (if necessary) for those subdivisions. It will not affect Planning Board’s votes on any rezonings or site plans, since those votes are only in the form of recommendations to City Council.

The change will have a larger impact on City Council in its approval of site plans where there is some discretion, in special use permits (not the zoning type of special use district zoning) where there is some discretion, and in final plat subdivisions where there is some “modification of standards.”

There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary